



DAC/IFW

Attorney Docket No.: 5649-1218

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Lee et al.

Confirmation No.: 5987

Serial No.: 10/721,480

Group Art Unit: 2818

Filed: November 26, 2003

For: FERROELECTRIC MEMORY DEVICES INCLUDING PROTECTION
ADHESION LAYERS AND METHODS OF FORMING THE SAME

February 3, 2005

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of November 25, 2003 rather than November 26, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of November 25, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2 (**Appendix A**);
2. True and accurate copies of communications from United States Postal Service (USPS) indicating receipt of the Express Mail package by the U.S. Patent and Trademark Office at 10:53am on November 26, 2003 (**Appendix B**). The tracking status print out evidences that the complete Application was mailed via Express Mail on November 25, 2003, as the USPTO received the same on November 26, 2003 (*i.e.*, one day after Applicant mailed the Application); and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of November 26, 2003 instead of the Express Mail date of November 25, 2003 (**Appendix C**).

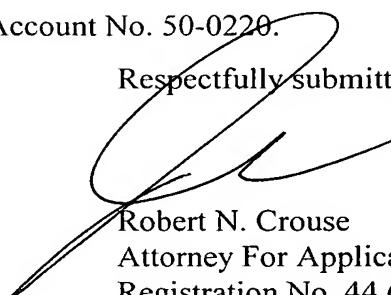
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In re: Lee et al.
Serial No.: 10/721,480
Filed: November 26, 2003
Page 2 of 2

A similar petition was filed on December 29, 2004 and received by the U.S. Patent and Trademark Office on January 3, 2005 (**Appendix D**). Accordingly, Applicant is resubmitting documentation in support that November 25, 2003 is the proper filing date and respectfully requests the granting of November 25, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



Robert N. Crouse
Attorney For Applicant
Registration No. 44,635

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 3, 2005.



Candi L. Riggs



APPENDIX A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 5649-1218
DATE: November 25, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- a patent application
 a Continuation a Divisional a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is incorporated herein by reference in its entirety.
 and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Kyu-mann Lee

Kun-sang Park

Sang-don Nam

Entitled: **FERROELECTRIC MEMORY DEVICES INCLUDING PROTECTION ADHESION LAYERS AND METHODS OF FORMING THE SAME**

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Enclosed are:

1. Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. 17 pages of Specification (including 25 claims)
3. 9 sheets of Formal Drawings (35 USC 113)
4. Oath or Declaration
 - a. newly executed (*original or copy*)
 - b. copy from prior application (37 CFR 1.63(d)) (*for continuation/divisional*) [Note Box 6 Below]
 - c. DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. Application Data Sheet. See 37 CFR 1.76
6. Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

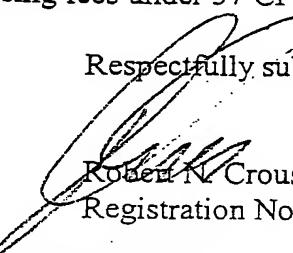
7. Microfiche Computer Program (*Appendix*)
 8. Assignment papers (*cover sheet(s) and document(s)*)
 9. Applicant claims small entity status. See 37 CFR § 1.27.
 10. Information Disclosure Statement, PTO-1449, and 5 references cited
 11. Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
 12. English Translation Document
 13. Certified Copy of Application No. ; Filed
 14. Sequence Listing/ Sequence Listing Diskette
 - a. computer readable copy
 - b. paper copy
 - c. statement in support
 15. An Associate Power of Attorney
 16. Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
 17. Deletion of Inventor(s) (*Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).*)
 18. Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
 19. Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate	Large Entity Rate
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	25 - 20 =	5	x 09 = \$	x 18 = \$90.00
INDEP CLAIMS	2 - 3 =	0	x 43 = \$	x 86 = \$ - 0 -
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$860.00

- A check in the amount of \$ to cover the filing fee is enclosed.
 A check in the amount of \$860 is enclosed to cover the filing fee and a check in the amount of \$40.00 is enclosed for the Assignment Recordation fee.
 Please charge my Deposit Account No. 50-0220 in the amount of \$
 The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
 a. Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 b. Additional patent application processing fees under 37 CFR 1.17.

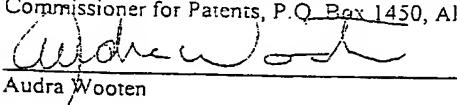
Respectfully submitted,


 Robert N. Crouse
 Registration No. 44,635

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 318417427 US
 Date of Deposit: November 25, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


 Audra Wooten



APPENDIX B



Track & Confirm

Current Status

You entered EV31 8417 427U S

Your item was delivered on November 26, 2003 at 10:53am in ALEXANDRIA, VA 22313. The item was signed for by V REGISTER. Additional information for this item is stored in files offline.

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Date: 02/02/2005

CANDI RIGGS:

The following is in response to your 02/02/2005 request for delivery information on your Express Mail item number EV31 8417 427U S. The delivery record shows that this item was delivered on 11/26/2003 at 10:53 AM in ALEXANDRIA, VA 22313 to V REGISTER. The scanned image of the recipient information is provided below.

Signature of Recipient:

Vernon Register
Vernon Register

Address of Recipient:

P & T OFFICE
P. O. BOX 1450

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

APPENDIX C

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: Kindly acknowledge receipt of the accompanying items listed below
by placing your receiving stamp hereon and return mailing:

- Application Transmittal and:
 Specification pages 17
 No. of Claims 25
 Declaration & POA
 Assignment and Fee - \$40
 Small Entity Statement
 Formal Drawings/9 sheets
 Associate Power of Attorney
 Exp. Mail 1st Class Mail
 Other: _____

BNC/ab Date: 11-25-03

Doc. No. 5649-1218

Serial No. TBA

Inventor: Lee et al.

Check \$ 800.00

IDS & PTO-1449 & 5 refs.

Amendment & Amend. Transmittal

Preliminary Amendment

Issue Fee

Brief

Appeal

Submittal of Priority Doc.

22386 U.S. PTO

10/721480

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A. 112603
Attorneys for Applicant



OPIE
FEB 07 2005
JJC97
UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARKS
U.S. DEPARTMENT OF COMMERCE

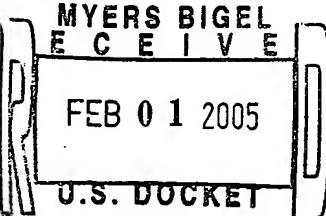
RNC

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (C) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/721,480	11/26/2004	2818	860	5649-1218	9	25	2

Robert N. Crouse
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, NC 27627



CONFIRMATION NO. 5987
FILING RECEIPT



OC000000015047706

Date Mailed: 01/27/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Kyu-Mann Lee, Gyeonggi-do, KOREA, REPUBLIC OF;
Kun-sang Park, Gyeonggi-do, KOREA, REPUBLIC OF;
Sang-don Nam, Seoul, KOREA, REPUBLIC OF;

Power of Attorney: The patent practitioners associated with Customer Number 20792.

Domestic Priority data as claimed by applicant

Foreign Applications

REPUBLIC OF KOREA 2002-73906 11/26/2002
REPUBLIC OF KOREA 2003-45784 07/07/2003

If Required, Foreign Filing License Granted: 08/26/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/721,480

Projected Publication Date: 05/05/2005

Non-Publication Request: No

Early Publication Request: No

Title

Ferroelectric memory devices including protection adhesion layers and methods of forming the same

Preliminary Class

365

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

APPENDIX D

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RNC:bw

Date: 12-29-04
Doc. No. 3649-1218
Serial No. 10/721,480
Inventor: LEE ET AL.

Sir: Kindly acknowledge receipt of the accompanying items listed below by placing your receiving stamp hereon and return mailing:

- Application Transmittal (copy) Check \$
 Specification pages IDS & PTO-1449 & refs.
 No. of Claims Amendment & Amend. Transmittal
 Declaration & POA Preliminary Amendment
 Assignment and Fee Issue Fee
 Small Entity Statement Brief
 Formal Drawings/ 9 sheets Appeal
 Associate Power of Attorney Submittal of Priority Doc.
 Exp. Mail 1st Class Mail

Other: USPS Track & Confirm: copy of 11-25-03 postcard,
Notice of Incomplete App. Petition to Grant Filing Date
for complete app.

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

JAN 03 2005
PATENT & TRADEMARK
OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Lee et al.

Serial No.: 10/721,480

Filed: November 26, 2003

For: FERROELECTRIC MEMORY DEVICES INCLUDING PROTECTION
ADHESION LAYERS AND METHODS OF FORMING THE SAME

Confirmation No.: 5987

FEB 07 2005

December 29, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO GRANT A FILING DATE FOR A COMPLETE NON-PROVISIONAL
APPLICATION**

Sir:

In response to the Notice of Incomplete Non-Provisional Application, Applicant hereby petitions to assign the filing date of November 25, 2003, for the above-identified patent application as this was the date the Application (including the 9 formal drawing sheets) was deposited as "Express Mail" in the U.S. Postal Service (USPS). The following is enclosed as evidence of November 25, 2003 being the filing date for the application which was properly filed under 37 C.F.R. § 1.10:

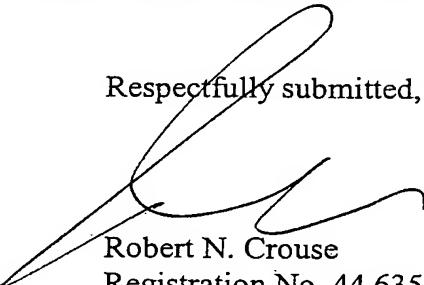
1. A true and accurate copy of the Cover Sheet for the Application showing that 9 formal drawing sheets were included and the Express Mail signature and date on Page 2;
2. A true and accurate copy of a printout from www.usps.com with a tracking status that the package was **delivered** on November 26, 2004;
3. A true and accurate copy of 9 formal Drawing sheets included with the Application; and
4. A true and accurate copy of our return post card indicating that the Application was received by the USPTO and included 9 formal drawing sheets with the application.

This petition is being filed after Applicant became aware that no filing date has been granted as indicated in the Notice of Incomplete Non-Provisional Application. Applicant respectfully requests the granting of November 25, 2003 as the filing date in view of that the Application was mailed with all required parts including the Drawings. Although the USPS did not complete the "date in" box on the Express Mail receipt (through no fault of Applicant), the tracking status print out evidences that the complete Application was mailed via Express Mail on November 25, 2003, as the USPTO received the same on November 26,

2003 (*i.e.*, one day after Applicant mailed the Application). Accordingly, Applicant respectfully requests the granting of November 25, 2003 as the filing date.

The Commissioner is authorized to charge the required fee of \$130 to Deposit Account No. 50-0220 for consideration of the present petition. However, Applicant concurrently hereby petitions for a refund of the petition fee (\$130) on the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505. Thus the need to file this petition is due to error on the part of the USPTO. The Commissioner is authorized to charge any deficiency, credit any overpayments or refunds to Deposit Account No. 50-0220.

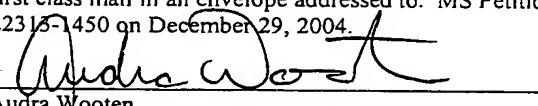
Respectfully submitted,


Robert N. Crouse
Registration No. 44,635

Attorney For Applicant
USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8 (or 1.10)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 29, 2004.


Audra Wooten

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